

108TH CONGRESS
2D SESSION

H. R. 4234

To amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,500 and to provide for a graduated implementation of such provision on amounts above such \$2,500 amount.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2004

Mr. FRANK of Massachusetts (for himself and Mr. MATSUI) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds \$2,500 and to provide for a graduated implementation of such provision on amounts above such \$2,500 amount.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. WINDFALL ELIMINATION PROVISION RE-**
2 **STRICTED TO TOTAL MONTHLY AMOUNTS IN**
3 **EXCESS OF \$2,500.**

4 Section 215(a)(7) of the Social Security Act (42
5 U.S.C. 415(a)(7)) is amended—

6 (1) in subparagraph (A), by inserting after
7 “service’),” the following: “if the sum of the individ-
8 ual’s primary insurance amount under paragraph
9 (1) of this subsection and the portion of the monthly
10 periodic payment which is attributable to noncovered
11 service performed after 1956 (with such attribution
12 being based on the proportionate number of years of
13 such noncovered service) is greater than \$2,500,
14 then”;

15 (2) in the second sentence of subparagraph
16 (B)(i), by striking “(with such attribution being
17 based on the proportionate number of years of such
18 noncovered service)” and inserting “(as determined
19 under subparagraph (A))”;

20 (3) in the last sentence of subparagraph (B)(i),
21 by striking “the larger of” and all that follows
22 through “subsection (i))” and inserting the fol-
23 lowing: “the primary insurance amount determined
24 under paragraph (1), reduced (before the application
25 of subsection (i)) by the applicable percentage deter-
26 mined under clause (iii) of the excess of such

1 amount over the larger of the two amounts com-
2 puted under the preceding two sentences,”; and

3 (4) by adding at the end of subparagraph (B)
4 the following new clause:

5 “(iii) For purposes of clause (i), the applicable per-
6 centage in connection with any individual is the product
7 (not greater than 100 percent) derived by multiplying 2.5
8 percentage points by the quotient determined under this
9 clause. The quotient determined under this clause is the
10 quotient derived by dividing—

11 “(I) the excess of the sum referred to in sub-
12 paragraph (A) over \$2,500, by

13 “(II) \$20.85,
14 rounded to the next higher multiple of 1 where such
15 amount is a multiple of 0.5 and to the nearest multiple
16 of 1 in any other case.”.

17 **SEC. 2. EFFECTIVE DATE.**

18 The amendments made by section 1 shall apply with
19 respect to benefits for months after the date of the enact-
20 ment of this Act. Notwithstanding section 215(f)(1) of the
21 Social Security Act, the Commissioner of Social Security
22 shall recompute primary insurance amounts to the extent
23 necessary to carry out the amendments made by section
24 1.

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